

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LARRY DONACHY and BRUCE)
KINLEY, on behalf of themselves and)
others similarly situated,)

Plaintiffs,)

v.)

Civil Action No. 1:04-CV-245

MOTION CONTROL INDUSTRIES,)
DIVISION OF CARLISLE CORPORATION,)
RETIREMENT PLAN FOR BARGAINING)
UNIT EMPLOYEES OF MOTION CONTROL)
INDUSTRIES, DIVISION OF CARLISLE)
CORPORATION,)

Judge Sean J. McLaughlin

Defendants.)

ORDER OF COURT

AND NOW, this _____ day of _____, _____, Plaintiffs having filed a motion for summary judgment, the Defendants having responded and the Court having given the matter due consideration, **IT IS ORDERED**, that the motion be, and the same hereby is, **GRANTED**, and that judgment be entered in the Plaintiff's favor, as follows:

A. Declare that the Retirement Plan must calculate the retirement benefit for Donachy, Kinley and all other participants whose retirement dates fall after June 27, 2003 based on the multiplier of \$31.00 per month per year of service.

B. For any participant who retired after June 27, 2003 and before the entry of a final order in this lawsuit, order the Retirement Plan to re-calculate the pension benefits of each such individual using the multiplier of \$31.00 per month per year of service, including retroactive payments for benefits already paid.

C. Plaintiffs shall submit a motion for attorneys' fees and costs within ____ days of this Order. The Defendants shall file a response to Plaintiff's motion for attorneys' fees and costs ____ days thereafter.

U.S. District Court Judge